



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 10 2017

Marc Erik Elias
General Counsel to Hillary for America
Perkins Coie
700 13th Street NW
Washington, DC 20005-3960

RE: MUR 6975

Dear Mr. Elias:

The Federal Election Commission reviewed the allegations in your complaint received by the Commission on October 26, 2015. Based upon the information provided in the complaint, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close the file in this matter. Accordingly, the Commission closed its file on February 3, 2017. The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Unknown Respondent MUR 6975

I. INTRODUCTION

This matter was generated by a Complaint filed by Marc E. Elias, General Counsel to Hillary for America, the principal campaign committee for Presidential candidate Secretary Hillary Clinton (the "Committee") alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") by an unknown respondent.¹ For the reasons discussed below, the Commission has exercised its prosecutorial discretion and dismissed this matter.

II. FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that an unknown individual raised funds for unknown purposes while pretending to be Secretary Clinton raising funds for her Committee.² The Complainant attached an envelope to the Complaint, addressed to Mr. Daniel Vishay of Buffalo Grove, Illinois, which contained a handwritten note purportedly from Secretary Clinton thanking Vishay for his contribution to her campaign.³ The letter was returned to the Committee as "not deliverable as addressed; unable to forward."⁴ The return address on the envelope is also

¹ The Complaint was also sent to the Department of Justice, Public Integrity Section ("DOJ") and the Federal Bureau of Investigation's Public Corruption Unit. On February 19, 2016, we received a copy of a letter sent by DOJ to the Complainant that is apparently in response to a second letter addressed to DOJ and to the Commission. The DOJ letter indicates that the Complainant sent the second letter on February 12, 2016. It does not appear that we received a copy of that letter.

² Compl. at 1.

³ Compl. at 1, Attach. The note thanks Mr. Vishay for "contributing to my campaign" and says "we all know how important it is to win Iowa." Publicly available sources revealed no information about a person named Daniel Vishay in either Illinois or Iowa.

⁴ *Id.*

1 handwritten and states "Hillary for America, New York City, New York 10185."⁵ The letter was
2 posted with a regular stamp and was cancelled in Santa Ana, California, on August 17, 2015.⁶
3 The Complaint notes that the "custom" stationery used for this mailing, a floral notecard with
4 "Hillary" printed on the front, was purchased from a company in California.⁷ The Complaint
5 indicates that there is no record that the Committee ever received a contribution from any
6 individual named Daniel Vishay, and asserts that the Committee did not send the thank-you
7 note.⁸

8 The Act prohibits persons from fraudulently misrepresenting themselves as speaking,
9 writing, or otherwise acting for or on behalf of any candidate or political party, or as an agent of
10 a candidate or political party, for the purpose of soliciting contributions or donations.⁹ Further,
11 the Act prohibits individuals from willfully or knowingly participating in or conspiring to
12 participate in any such plan, scheme, or design.¹⁰

13 The Complaint's allegations and the thank-you card attached to the Complaint indicate
14 that an individual or individuals fraudulently solicited funds in the name of Secretary Clinton.
15 However, given the particular facts of the case, we do not believe that an investigation would be
16 an efficient use of the Commission's resources. We were unable to locate any public
17 information about the purported contributor, and the letter appears untraceable because it was

⁵ *Id.*

⁶ *Id.*

⁷ Compl. at 2. The back of the card contains the message "Designs by Anja Reich, Laguna Beach, California," and lists a phone number and website.

⁸ Compl. at 1.

⁹ 52 U.S.C. § 30124(b).

¹⁰ *Id.* § (b)(2).

1 posted with a stamp rather than by a postage meter or franking machine. Further, the somewhat
2 unsophisticated nature of the note, along with the fact that we have not received factually similar
3 complaints involving the same candidate, may indicate that the scope of the scheme is limited.

4 Therefore, in furtherance of the Commission's priorities and resources relative to other
5 enforcement matters, the Commission exercised its prosecutorial discretion and dismissed this
6 matter.¹¹

¹¹ *Heckler v. Chaney*, 470 U.S. 821 (1985).